

PROCEEDINGS OF THE COMMON COUNCIL
IN SPECIAL SESSION
TUESDAY, DECEMBER 1 1987

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE
COUNCIL CHAMBERS Tuesday EVENING December A.D., 1987,
IN Special SESSION. PRESIDENT Mark E. GiaQuinta
IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine, AND
Nadejda Eshcoff, Deputy CLERK, AT THE DESK, PRESENT THE FOLLOWING
MEMBERS _____ VIZ:

BRADBURY _____, BURNS _____, EISBART _____,
GiaQUINTA _____, HENRY _____, REDD _____,
SCHMIDT _____, STIER _____, TALARICO _____,

ABSENT: _____

COUNCILMAN: _____, _____, _____,

THE INVOCATION WAS GIVEN BY _____,

THE MINUTES OF THE LAST REGULAR _____, 19_____,

_____, 19_____,

SPECIAL _____, 19_____,

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED
AND PUBLISHED.

CALL, CONSENT AND WAIVER OF NOTICE OF A SPECIAL
MEETING OF THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA, TO BE HELD
TUESDAY, DECEMBER 1, 1987 AT 7:00 P.M.
COMMON COUNCIL ROOM 128

We, the undersigned, being all of the members of the Common Council
of the City of Fort Wayne, Indiana do hereby call a special meeting of said Council
to be held on Tuesday, the 1st day of December, 1987 at 7:00 o'clock P.M.,
E.S.T. and jointly and severally waive notice of the time, place and purpose of
said meeting and consent that same be held on the aforesaid date for the purpose
of placing before Common Council Bill No. S-87-11-15 for discussion
and final action: ORDINANCE APPROVING THE SALE OF REAL PROPERTY
BY THE CITY OF FORT WAYNE, INDIANA.

Mark E. Giapinta

Daniel Burns

Thomas P. Henry

OSSO Schmitz

Marie S. Rice

Janet G. Bradbury

Jeri M

Samuel J. Talarico

DATED THIS 24th day of November, 1987.

Delecia E. Kennedy
CITY CLERK



The City of Fort Wayne

November 23, 1987

Mrs. Sandra E. Kennedy
City Clerk
Room 120, City-County Building
One Main Street
Fort Wayne, Indiana 46802

Dear Mrs. Kennedy:

Pursuant to I.C. 36-4-7(b) and Section 2-16 of the Municipal Code of the City of Fort Wayne, Indiana, I hereby respectfully call for a special meeting of the Common Council of the City of Fort Wayne, Indiana, to be held Tuesday, December 1, 1987, at 7:00 P.M. in the Council's Chambers, City-County Building, Fort Wayne, Indiana. Said meeting shall be held for the following purposes:

Discussion and final action on:

Bill #S-87-11-15 entitled "Ordinance Approving the Sale of Real Property by the City of Fort Wayne, Indiana."

Please cause this "call" to be served upon all Council members pursuant to Section 2-16(a) of the Municipal Code of the City of Fort Wayne, Indiana. Also, please cause notice of this special meeting to be given pursuant to I.C. 5-14-1.5-1, et seq. (Indiana Open Door Law).

Thank you for your assistance.

Sincerely,

Win Moses, Jr., Mayor
City of Fort Wayne, Indiana

WM:ls

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its

Special Session, held on Tuesday
the 1st day of December, 1987,

that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances, and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this _____ day of _____, 19____,

SANDRA E. KENNEDY, CITY CLERK

57-059166

DECLARATION OF RESTRICTIVE COVENANT

This Declaration of Restrictive Covenant is hereby made,
covenanted and agreed to by FORT MIAMI POST 10,006 VETERANS OF
FOREIGN WARS, INC.;

WHEREAS, the said Fort Miami Post 10,006 Veterans of Foreign Wars, Inc. is the titleholder of Lots 19, 20, 21, 22, 23, and 24 in Southdale Park Addition to the City of Fort Wayne, Allen County, Indiana; and,

WHEREAS, the post home of said Fort Miami Post 10,006 Veterans of Foreign Wars, Inc. has built, occupies, and uses the post home at 6814 South Anthony Boulevard, Fort Wayne, Indiana, which stands on Lots 19 and 20 and presently has parking on Lots 19, 20, and 21 in said Southdale Park Addition; and,

WHEREAS, said Fort Miami Post 10,006 Veterans of Foreign
Wars, Inc. is in need of additional parking for its members; and

WHEREAS, the said post is growing in membership and will ^{soon} need additional space for its members; now,

THEREFORE, the Fort Miami Post 10,006 Veterans of Foreign Wars, Inc. covenants and agrees in the event the Fort Wayne City Council passes Ordinance E-87-10-07 to rezone lots numbered 21, 22, 23, and 24 in Southdale Park Addition to the City of Fort Wayne, Allen County, Indiana, from R-A to R-3 zone, and said Ordinance is signed by the Mayor of the City of Fort Wayne, to use said lots numbered 21, 22, 23, and 24 in Southdale Park Addition to the City of Fort Wayne only for additional parking and/or the expansion of the existing Veterans of Foreign Wars

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Post home building, and/or the construction of a new Veterans of Foreign Wars Post home building; and which covenant shall run with the land and shall be enforced by the City of Fort Wayne or by surrounding land owners by instituting and prosecuting proceedings at law or in equity.

IN WITNESS WHEREOF, the said Fort Miami Post 10,006, Veterans of Foreign Wars, Inc., by its Commander and Trustee, who are duly authorized to execute the same in behalf of said Post, hereby execute this Declaration Agreement and Restrictive Covenant, on November 27, 1987.

FORT MIAMI POST 10,006
VETERANS OF FOREIGN WARS, INC.

By Delbert E. Rose
Delbert Rose, Commander

By George A. Ensley
George Ensley, Trustee

STATE OF INDIANA,
COUNTY OF ALLEN, SS:

Before me, the undersigned, a Notary Public in and for Allen County, Indiana, personally appeared Fort Miami Post 10,006 Veterans of Foreign Wars, Inc., by Delbert Rose, its Commander, and George Ensley, its Trustee, and acknowledged the execution of the foregoing for and on behalf of said Post, for the uses and purposes therein contained.

WITNESS my hand and Official Seal, on November 27, 1987.

My Commission Expires:

11th), 1988
NOTARY PUBLIC

Resident of Allen Co., In

John R. Tourkow, Notary Public
Resident of Allen County, Indiana
My Commission Expires November 14, 1988

THIS INSTRUMENT PREPARED BY:
FREDERICK R. TOURKOW, ATTORNEY

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